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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,985	01/20/2004	Jeffrey L. Lindner	P62704US03PS	1981

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT PAPER NUMBER

3711

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,985

Applicant(s)

LINDNER ET AL.

Examiner

Stephen L. Blau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/20/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Arcenas.

Arcenas discloses a weight collar installed on a golf club (Title), an annular member having an inner wall and an outer wall, an upper end, a lower end, an inner and outer wall tapered from a small diameter at its lower end to a larger diameter at its upper end (Fig. 1A), a collar formed of light metal (Col. 3, Lns. 1-15), a larger diameter being slightly less than the outside diameter of a grip at an upper end (Fig. 1C), a notch through the walls such that the member has a substantially C-shaped cross section (Fig. 1B), and a width being slightly larger than the outside diameter of a shaft (Col. 2, Lns. 47-57).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards in view of Hunter or Reisner and Vaile.

Richards discloses a weight collar installed on a sporting implement in the form of a billiard cue (Abstract), an annular member having an inner wall and an outer wall, an upper end, a lower end, an inner wall tapered from a small diameter at its lower end to a larger diameter at its upper end (Figs. 3-4), a collar formed of steel (Col. 2, Lns. 1-10), and a larger diameter being slightly less than the outside diameter of a grip at an upper end (Col. 1, Lns. 60-67).

Richards lacks a notch through the walls such that the member has a substantially C-shaped cross section, a width being slightly larger than the outside diameter of a shaft, a sporting implement of a golf club, and a collar weighing 5-250 grams. Hunter (Fig. 1) discloses placing a weight of 170-226 grams (Col. 3, Lns. 41-43) at the butt end of a golf club in order to place a center of gravity closer to the hand grippable region (Abstract). Reisner (Fig. 2) discloses placing a weight of 50-150 grams (Col. 3, Lns. 20-25) at the butt end of a golf club in order to place provide a leverage and balance that permits greater control and tempo in a golfer's swing (Abstract). In view of the patent of Hunter or Reisner it would have been obvious to place a weight collar weighing 5-250 grams on a golf club in order to place a center of gravity closer to the hand grippable region and in order to place provide a leverage and balance that permits greater control and tempo in a golfer's swing. Vaile discloses a notch in a collar

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through the walls such that the member has a substantially C-shaped cross section and a width being slightly larger than the outside diameter of a shaft in order to place the collar upon the shaft where the diameter is small enough for the shaft to pass through the notch (Page 1, Lns. 75-85). In view of the patent of Vaile it would have been obvious to modify the collar of Richards to have a notch through the walls such that the member has a substantially C-shaped cross section and a width being slightly larger than the outside diameter of a shaft in order to place the collar upon the shaft where the diameter is small enough for the shaft to pass through the notch.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richards in view of Hunter or Reisner and Vaile as applied to claims 1-4 and 6 above, and further in view of Petitti.

Richards lacks a collar made of high dense polymeric material..

Petitti discloses a C shaped weight member for a sporting implement being made of high density polymeric material (Col. 6, Lns. 1-10). In view of the patent of Petitti it would have been obvious to modify the collar of Richards to be made of a high density polymeric material in order to utilize a heavy material used in the market place for C shaped weights for sporting implements.

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcenas in view of Vaile.

Arcenas lacks a light weight being metal aluminum and a collar having a weight of 5-250 grams. Arcenas does not disclose the weight of the collar but clearly an artisan skilled in the art of forming a collar of light weight material for a collar to be strong enough to lock a hand on a grip would have selected a suitable amount of material in which a collar having a weight of 5-250 grams is included. Vaile discloses a collar being made of aluminum (Page 2, Lns 1-10). In view of the patent of Vaile it would have been obvious to include in the collar of Arcenas to have a light weight material being aluminum in order to utilize a light weight metal used in the market place for collars on golf clubs. In addition, it would have been obvious to modify the collar of Arcenas to have a and having a collar having a weight of 5-250 grams weight in order to have sufficient strength for a collar to lock hands to a grip.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boyte, and Gasche disclose C-shaped collars.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of

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this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 26 January 2005


STEPHEN BLAU
PRIMARY EXAMINER